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2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 2445

# ARMED FORCES RESERVE ACT OF 1952

JULY 2, 1952.—Ordered to be printed

Mr. BROOKS, from the committee of conference, submitted the following

## CONFERENCE REPORT

[To accompany H. R. 5426]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5426) relating to the reserve components of the Armed Forces of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*SHORT TITLE*

*That this Act may be cited as the "Armed Forces Reserve Act of 1952".*

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## *PART I—GENERAL PROVISIONS*

*SEC. 101. When used in this Act—*

*(a) "Duty" means military service of any nature under orders or authorization issued by competent authority.*

*(b) "Active duty" means full-time duty in the active military service of the United States, other than active duty for training.*

*(c) "Active duty for training" means full-time duty in the active military service of the United States for training purposes.*

*(d) "Inactive-duty training" means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty, performed with or without compensation by members of the reserve components of the Armed Forces of the United States as may be prescribed by the appropriate Secretary pursuant to section 501 of the Career Compensation Act of 1949, as amended, or any other provision of law, and in addition thereto includes the performance of special additional duties, as may be authorized by competent authority, by such members on a voluntary basis in connection with the prescribed training or maintenance activities of the unit to which the members are assigned. Work or study performed by such members of the reserve components in connection with correspondence courses of the Armed Forces of the United States shall be deemed inactive-duty training for which compensation is not authorized under the provisions of section 501 of the Career Compensation Act of 1949, as amended. Any inactive-duty training performed by members of the National Guard of the United States or of the Air National Guard of the United States, while in their status as members of the National Guard or Air National Guard of the several States, Territories, and the District of Columbia pursuant to section 92 of the National Defense Act, as amended, or pursuant to any other provision of law, shall be deemed to be inactive-duty training in the service of the United States as members of one of the reserve components specified in section 202 of this Act.*

*(e) "Armed Forces of the United States" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including all components thereof.*

*(f) "Member of a reserve component" means a person appointed or enlisted as a Reserve of an Armed Force of the United States or a person who acquires such status by transfer pursuant to law to any of the reserve components specified in section 202 of this Act: Provided, That no person shall be a member of the National Guard of the United States or the Air National Guard of the United States unless he first be duly enlisted or appointed in the National Guard or the Air National Guard of the appropriate State, Territory, or the District of Columbia, pursuant to law.*

*(g) "Officer" unless otherwise specified, means a commissioned or warrant officer.*

*(h) "Appropriate Secretary" means—*

*(1) the Secretary of the Army with respect to the Army;*

*(2) the Secretary of the Navy with respect to the Navy and Marine Corps and, when the Coast Guard is operating as a service in the Navy, the Coast Guard;*

*(3) the Secretary of the Air Force with respect to the Air Force; or*

*(4) the Secretary of the Treasury with respect to the Coast Guard, when the Coast Guard is operating as a service in the Treasury Department.*

(i) "Competent authority" means any authority designated by the appropriate Secretary.

(j) "Partial mobilization" means that action taken by the Congress or the President pursuant to any provision of law, to effect the entry into the active military service of the United States of such units and members thereof, or of such members not assigned to units organized for the purpose of serving as such, of any reserve component of the Armed Forces of the United States as are required to effect a limited expansion of the active Armed Forces of the United States.

## PART II—RESERVE COMPONENTS GENERALLY

### CHAPTER 1—MISSION AND GENERAL ORGANIZATION

SEC. 201. (a) The Congress hereby declares that the reserve components of the Armed Forces of the United States are maintained for the purpose of providing trained units and qualified individuals to be available for active duty in the Armed Forces of the United States in time of war or national emergency, and at such other times as the national security may require, to meet the requirements of the Armed Forces of the United States in excess of those of the Regular components thereof, during and after the period needed for procurement and training of additional trained units and qualified individuals to achieve the planned mobilization.

(b) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, and the Air National Guard, as an integral part of the first line defenses of this Nation, be at all times maintained and assured. It is the intent of the Congress that whenever Congress shall determine that units and organizations are needed for the national security in excess of those of the Regular components of the ground forces and the air forces, the National Guard of the United States, and the Air National Guard of the United States, or such part thereof as may be necessary, together with such units of the other reserve components as are necessary for a balanced force, shall be ordered into the active military service of the United States and continued therein so long as such necessity exists.

SEC. 202. The reserve components are—

(a) The National Guard of the United States;
(b) The Army Reserve;
(c) The Naval Reserve;
(d) The Marine Corps Reserve;
(e) The Air National Guard of the United States;
(f) The Air Force Reserve; and
(g) The Coast Guard Reserve.

SEC. 203. The maximum numerical strength of each of the reserve components referred to in section 202 of this Act shall be as authorized by the Congress, or, in the absence of such authorization, shall be fixed by the President.

SEC. 204. There shall be within each of the Armed Forces of the United States a Ready Reserve, a Standby Reserve, and a Retired Reserve, and each member of the reserve components shall be placed in one of these categories.

SEC. 205. (a) The Ready Reserve consists of those units or members of the reserve components, or both, who are liable for active duty either in

*time of war, in time of national emergency declared by the Congress or proclaimed by the President, or when otherwise authorized by law.*

*(b) The authorized aggregate personnel strength of the Ready Reserve shall not exceed a total of one million five hundred thousand.*

*SEC. 206. (a) The Standby Reserve consists of those units or members of the reserve components (other than members in the Retired Reserve), or both, who are liable for active duty only in time of war or national emergency declared by the Congress, or when otherwise authorized by law.*

*(b) Except in time of war, or unless otherwise authorized by Congress—(1) no unit of the Standby Reserve organized for the purpose of serving as such nor the members thereof shall be ordered to active duty unless the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a military department) determines that adequate numbers of the required types of units of the Ready Reserves are not readily available, and (2) no other member of the Standby Reserve shall be ordered to active duty as an individual without his consent unless the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a military department) determines that adequate numbers of qualified members of the Ready Reserve in the required category are not readily available.*

*SEC. 207. (a) The Retired Reserve consists of those members of the reserve components whose names are placed on reserve retired lists established pursuant to subsection (b) of this section.*

*(b) In accordance with regulations prescribed by the appropriate Secretary, reserve retired lists shall be established upon which will be placed the names of those members of the reserve components who make application therefor, if otherwise qualified. Such reserve retired lists shall be in addition to the Army of the United States Retired List, the Air Force of the United States Retired List, and the United States Naval Reserve Retired List authorized pursuant to section 301 of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended.*

*(c) Members in the Retired Reserve may, if qualified, be ordered to active duty involuntarily, but only in time of war or national emergency declared by the Congress or when otherwise authorized by law.*

*SEC. 208. (a) Each person required to serve in a reserve component pursuant to law, shall, upon becoming a member of a reserve component, be placed in the Ready Reserve of his Armed Force for the remainder of his required term of service unless eligible for transfer to the Standby Reserve under subsection (f) of this section.*

*(b) Any member of the reserve components in an active status on the effective date of this Act may be placed in the Ready Reserve.*

*(c) All units and members of the National Guard of the United States and Air National Guard of the United States shall be in the Ready Reserve of the Army and the Air Force, respectively.*

*(d) All members of the reserve components assigned to units organized for the purpose of serving as such, which are designated as units in the Ready Reserve, shall be in the Ready Reserve.*

*(e) Subject to such regulations as the appropriate Secretary may prescribe, any member of the reserve components may, at any time upon his request, be placed in the Ready Reserve if qualified.*

*(f) Except in time of war or national emergency hereafter declared by the Congress, any member of the reserve components who is not serving on active duty in the Armed Forces of the United States shall, upon his*

*request, be transferred to the Standby Reserve for the remainder of his term of service—*

*(1) if he has served on active duty in the Armed Forces of the United States for not less than a total of five years;*

*(2) if, having served on active duty in the Armed Forces of the United States for a total of less than five years, he has satisfactorily participated, as determined by the appropriate Secretary, in an accredited training program in the Ready Reserve for a period which when added to his period of active duty in the Armed Forces of the United States totals not less than five years or such lesser period of time as the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a Military Department) may prescribe in the case of satisfactory participation in such accredited training programs as the appropriate Secretary may designate;*

*(3) if he has served on active duty in the Armed Forces of the United States for not less than twelve months between December 7, 1941, and September 2, 1945, and, in addition thereto, has served on active duty in the Armed Forces of the United States for not less than twelve months subsequent to June 25, 1950; or*

*(4) if he has served as a member of one or more reserve components subsequent to September 2, 1945, for not less than eight years.*

*(g) No member of the National Guard of the United States or Air National Guard of the United States shall be transferred to the Standby Reserve without the consent of the governor or other appropriate authority of the State, Territory, or District of Columbia concerned.*

*(h) Subsection (f) of this section shall not apply to any member of the reserve components in the Ready Reserve while serving under an agreement to remain therein for a stated period.*

*(i) Subject to subsection (g) of this section, any member of the reserve components in the Ready Reserve may be transferred into the Standby Reserve, or into the Retired Reserve if qualified and if he makes application therefor, in accordance with such regulations as the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a Military Department) may prescribe.*

*SEC. 209. (a) A person transferred to a reserve component of an Armed Force of the United States pursuant to the Universal Military Training and Service Act, as amended, shall, if qualified and accepted, be permitted to enlist or accept an appointment in such Armed Force of the United States as he may elect (except that consent of the appropriate Secretaries shall be required for enlistment or appointment as a Reserve of another Armed Force of the United States) and to participate in such programs as are authorized for such Armed Force of the United States. Any such person who enlists or is appointed in an Armed Force of the United States shall be required to perform the remaining period of his required term of service in the Armed Force of the United States in which such enlistment or appointment is made, or in any other Armed Force of the United States in which he subsequently enlists or is appointed. All periods of such participation shall be credited against total periods of obligated service imposed by the Universal Military Training and Service Act, as amended, but no period of time shall be credited more than once.*

*(b) Nothing in this section shall be construed to reduce, limit, or modify any period of service which any person may undertake to perform pursuant to any enlistment or appointment or agreement, including an agree-*

*ment entered into prior to, or at the time of, entering a program authorized by an Armed Force of the United States.*

*SEC. 210. All members of the reserve components who are not in the Ready or Retired Reserve shall be in the Standby Reserve.*

*SEC. 211. (a) Within the Standby Reserve, an inactive status list shall be maintained. When deemed by competent authority to be in the best interests of the service concerned, members in the Standby Reserve who are not required to remain members of a reserve component and who are unable to participate in prescribed training may, if qualified, be transferred to the inactive status list, in accordance with regulations prescribed by the appropriate Secretary. Such regulations shall provide for the return of such members to an active status under such conditions as the appropriate Secretary shall prescribe.*

*(b) Members in the reserve components in an inactive status shall not be eligible for pay, promotion, or award of retirement point credits under Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended.*

*SEC. 212. (a) Each member of the reserve components shall be in an active, inactive, or retired status.*

*(b) Members of the reserve components shall be in an active status, except those on an inactive status list, members in the Retired Reserve, and those assigned to the inactive National Guard.*

*(c) Members of the reserve components on an inactive status list and members assigned to the inactive National Guard shall be in an inactive status.*

*(d) Members of the Retired Reserve shall be in a retired status.*

*SEC. 213. (a) Every person who is a member of a reserve component on the effective date of this Act shall be deemed, without further action, to retain his active, inactive, or retired status in his reserve component. Any such member in an honorary Reserve status or an honorary Retired Reserve status when this Act takes effect shall be placed in the Retired Reserve of the appropriate Armed Force of the United States.*

*(b) Any person who is on the honorary retired list of the Naval Reserve or the Marine Corps Reserve when this Act takes effect shall be placed in the Retired Reserve of the appropriate Armed Force of the United States.*

*SEC. 214. Except in the case of the National Guard of the United States and the Air National Guard of the United States, each reserve component shall be divided into training categories according to the types and degrees of training including the number and duration of drills or equivalent duties to be completed in stated periods of time, as the appropriate Secretary prescribes. The designation of such training categories shall be the same for each Armed Force of the United States and the same within the Ready Reserve and the Standby Reserve.*

*SEC. 215. (a) Within such numbers as may be prescribed by the appropriate Secretary, enlisted members of the reserve components may, with their consent, be selected for training as officer candidates, and members so selected shall be designated as officer candidates for the period of such training: Provided, That when not in the active military service of the United States, no member of the National Guard of the United States or Air National Guard of the United States shall be so selected, or designated, without the consent of the governor or other appropriate authority of the State, Territory, or District of Columbia concerned.*

*(b) Subject to any limitations imposed on the authorized numerical strength of each reserve component, the numbers of officers and enlisted*

*personnel authorized in the various ranks, grades, and ratings shall be the numbers determined by the appropriate Secretary to be necessary to provide for planned mobilization requirements. The appropriate Secretary shall review such determinations not less than once annually and revise them as he deems necessary. No member of a reserve component shall be involuntarily reduced in his permanent rank, grade, or rating as a result of such a determination.*

*SEC. 216. (a) The appropriate Secretary shall establish an adequate and equitable system for the promotion of members of the reserve components in an active status. Such promotion system shall, insofar as practicable, be similar to that provided for members of the Regular component of the appropriate Armed Force of the United States. Promotion policies for officers of the reserve components shall be based upon the mobilization requirements of the appropriate Armed Force of the United States in order to provide qualified officers in each grade, at ages suitable to their assignments and in numbers commensurate with mobilization needs. In order that vigorous reserve forces may be maintained, necessary leadership encouraged, and a steady flow of promotion provided, such promotion systems shall provide for forced attrition to the extent necessary.*

*(b) The relative precedence of Reserve officers and Regular officers shall be determined in accordance with their respective dates of rank in grade.*

## *CHAPTER 2—APPOINTMENTS AND ENLISTMENTS*

*SEC. 217. (a) Subject to the limitation that no person, other than a person who has had prior service in the Armed Forces of the United States or the National Security Training Corps, shall be appointed or enlisted as a Reserve in the Armed Forces of the United States who is not a citizen of the United States, its Territories or possessions, or who has not made a declaration of intent to become a citizen thereof, the appropriate Secretary shall, except as otherwise provided by law, prescribe physical, mental, moral, professional, and age qualifications for appointment or enlistment of Reserve members of the Armed Forces of the United States. No person shall be appointed as a Reserve officer in any of the Armed Forces of the United States who is under the age of eighteen years.*

*(b) Women may be appointed or enlisted as Reserves in the Armed Forces of the United States for service in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, and the Air Force Reserve, as appropriate, in the same grades, ranks, and ratings, as are authorized for women in the Regular component of the appropriate Armed Force of the United States. Women may be appointed or enlisted in the Coast Guard Reserve as provided in section 762, title 14, United States Code. Any female former officer or enlisted woman of an Armed Force of the United States may, if otherwise qualified, be appointed or enlisted as a Reserve in that Armed Force of the United States in the highest rank, grade, or rating satisfactorily held by her on active duty.*

*(c) Except in the case of Adjutants General and Assistant Adjutants General of the several States, Territories, and the District of Columbia, a person who has not held an appointment as a commissioned officer in any of the Armed Forces of the United States, or any component thereof, may not be appointed as a commissioned officer in a grade higher than major or lieutenant commander in any of the Armed Forces of the United States except upon the recommendation of a board of officers convened by the appropriate Secretary.*

*SEC. 218. The President, by and with the advice and consent of the Senate, shall make all appointments of Reserves in general or flag officer grades.*

*SEC. 219. The President shall make all appointments of Reserves in commissioned grades below general or flag officer grades.*

*SEC. 220. The appropriate Secretary shall make all appointments of Reserves in warrant officer grades.*

*SEC. 221. All Reserve commissioned officers shall hold appointment during the pleasure of the President.*

*SEC. 222. (a) To become an officer of a reserve component an individual shall be appointed as a Reserve commissioned officer or Reserve warrant officer of an Armed Force of the United States in a grade corresponding to one of the grades of the Regular component of that Armed Force of the United States and subscribe to the oath prescribed by section 1757 of the Revised Statutes, as amended (5 U. S. C. 16): Provided, That no person shall become a member of the National Guard of the United States or Air National Guard of the United States in a commissioned officer or warrant officer grade, hereunder, unless he first be appointed to and federally recognized in the same commissioned or warrant officer grade in the National Guard or Air National Guard in the appropriate State, Territory, or the District of Columbia and subscribe to the oath provided in section 73 of the National Defense Act, as amended.*

*(b) Each person appointed in a commissioned officer grade as a Reserve in an Armed Force of the United States shall be commissioned as a Reserve officer in the Army of the United States, the United States Navy, the United States Marine Corps, the United States Air Force, or the United States Coast Guard, as appropriate.*

*SEC. 223. Reserve warrant officers shall hold appointment during the pleasure of the appropriate Secretary.*

*SEC. 224. After the date of enactment of this Act, all appointments of Reserve officers shall be for an indefinite term. All officers holding appointments on the date of enactment in the National Guard of the United States, or the Officers' Reserve Corps, or the Naval Reserve, or the Marine Corps Reserve, or the Air National Guard of the United States, or the Air Force Reserve, or the Coast Guard Reserve shall be considered to hold such appointments as Reserve officers, as the case may be, in the Army, Navy, Marine Corps, Air Force, or Coast Guard, as appropriate, and in the case of commissioned officers to hold commissions as provided in section 222 (b) of this Act. Each such officer not holding an appointment for an indefinite term on the date of enactment of this Act shall be given an appointment for an indefinite term in lieu of his current appointment if such officer, after written notification by competent authority which shall be given within six months from the effective date of this Act, shall agree in writing to have his current appointment continued for an indefinite term. In the event such officer does not so agree in writing, the term of his present appointment shall not be changed by this section. All persons now enlisted in the National Guard of the United States, or the Enlisted Reserve Corps, or the Naval Reserve, or the Marine Corps Reserve, or the Air National Guard of the United States, or the Air Force Reserve, or the Coast Guard Reserve shall be considered to be enlisted as Reserves in the Army, Navy, Marine Corps, Air Force, or Coast Guard, as appropriate, without change in the periods of their current enlistments.*

*SEC. 225. When not on active duty all members of the reserve components, except those in the Retired Reserve, shall be given physical*

*examinations at least once every four years, or more often as the appropriate Secretary deems necessary, and shall be required to submit personal certificates of physical condition annually.*

*SEC. 226. Except as otherwise provided by law, the appropriate Secretary may provide for the honorable discharge, or transfer to a retired status, of members of the reserve components who are found not physically qualified for active duty: Provided, That no member of the National Guard of the United States or Air National Guard of the United States may be so transferred without the consent of the governor or other appropriate authority of the State, Territory, or District of Columbia concerned. In determining physical qualifications for active duty, due consideration shall be given to the character of the duty to which the member may be assigned in the event he should be ordered to active duty pursuant to law.*

*SEC. 227. (a) Except as otherwise provided by law and subject to the provisions of subsection (b) of this section, enlisted members of the reserve components shall be enlisted for such periods as the appropriate Secretary prescribes.*

*(b) Unless sooner terminated by the appropriate Secretary, all enlistments as Reserves in the Armed Forces of the United States, in force at the beginning of a war or national emergency hereafter declared by the Congress or entered into during the existence of such war or national emergency, which otherwise would expire, shall continue in force until six months after the termination of the war or national emergency, whichever is later.*

*(c) In time of war or national emergency hereafter declared by the Congress, the period of service of any member of a reserve component who has been transferred thereto pursuant to law, unless sooner terminated by the appropriate Secretary, shall, if such period of service otherwise would expire, be extended until six months after the termination of the war or national emergency, whichever is later.*

*SEC. 228. To become an enlisted member of a reserve component an individual shall be enlisted as a Reserve of an Armed Force of the United States and subscribe to the oath prescribed by section 8 of the Act of May 5, 1950, as amended, or be transferred to a reserve component pursuant to law: Provided, That no person shall become an enlisted member of the National Guard of the United States or Air National Guard of the United States, hereunder, unless he first be duly enlisted in the National Guard or Air National Guard of the appropriate State, Territory, or the District of Columbia, subscribe to the oath provided in section 70 of the National Defense Act, as amended, and is a member of a federally recognized unit or organization thereof in the same grade.*

*SEC. 229. Except as otherwise provided by this Act, no person shall be a member of more than one reserve component at the same time.*

*SEC. 230. (a) When an enlisted member of a reserve component is designated as an officer candidate for temporary service in such category, his enlistment or period of service therein is extended by such period as he may remain in such officer candidate status beyond the normal expiration date thereof.*

*(b) No person while designated an officer candidate pursuant to this Act shall participate in any Reserve Officer Training Corps program of the Armed Forces of the United States.*

*SEC. 231. Any Reserve officer whose age exceeds the maximum age prescribed for his grade and classification may be separated, or retained in or transferred to an active, inactive, or, upon his application, a retired status,*

*as the appropriate Secretary may prescribe: Provided, That no officer of the National Guard of the United States or Air National Guard of the United States shall be so retained or transferred without the consent of the governor or other appropriate authority of the State, Territory, or the District of Columbia concerned.*

*SEC. 232. Persons who are otherwise qualified but who have physical defects, which as determined by the appropriate Secretary will not interfere with the performance of general or special duties to which they may be assigned, may be appointed or enlisted as Reserves in any of the Armed Forces of the United States.*

### *CHAPTER 3—DUTY AND RELEASE FROM DUTY*

*SEC. 233. (a) In time of war or national emergency hereafter declared by the Congress, or when otherwise authorized by law, any unit and the members thereof, or any member not assigned to a unit organized for the purpose of serving as such, of any reserve component may, by competent authority, be ordered to active duty for the duration of the war or national emergency and for six months thereafter, but members on an inactive status list or in a retired status shall not be ordered to active duty without their consent unless the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a Military Department) determines that adequate numbers of qualified members of the reserve components in an active status or in the inactive National Guard in the required category are not readily available.*

*(b) (1) In time of national emergency hereafter proclaimed by the President or when otherwise authorized by law, any unit and the members thereof, or any member not assigned to a unit organized for the purpose of serving as such, in the Ready Reserve of any reserve component may, by competent authority, be ordered to and required to perform active duty involuntarily for a period not to exceed twenty-four consecutive months: Provided, That Congress shall determine the number of members of the reserve components necessary for the national security to be ordered to active duty, pursuant to this subsection prior to the exercise of the authority contained in this subsection.*

*(2) It is the policy of the Congress in view of hardship situations developed by the Korean hostilities that in the interest of fair treatment as between members in the Ready Reserve involuntarily recalled for duty, attention shall be given to the duration and nature of previous service, with the objective of assuring such sharing of hazardous exposure as the national security and the military requirement will reasonably permit, to family responsibilities, and to employment found to be necessary to the maintenance of the national health, safety, or interest. The Secretary of Defense shall promulgate such policies and establish such procedures as may be required in his opinion to carry out our intent here declared, and shall from time to time, and at least annually, report to the Committees on Armed Services of the Congress respecting the same.*

*(c) At any time, any unit and the members thereof, or any member not assigned to a unit organized for the purpose of serving as such, in an active status in any reserve component may, by competent authority, be ordered to and required to perform active duty or active duty for training, without his consent, for not to exceed fifteen days annually: Provided, That units and members of the National Guard of the United States or the Air National Guard of the United States shall not be ordered to or*

*required to serve on active duty in the service of the United States pursuant to this subsection without the consent of the Governor of the State or Territory concerned, or the Commanding General of the District of Columbia National Guard.*

*(d) A member of a reserve component may, by competent authority, be ordered to active duty or active duty for training at any time with his consent: Provided, That no member of the National Guard of the United States or Air National Guard of the United States shall be so ordered without the consent of the Governor or other appropriate authority of the State, Territory, or District of Columbia concerned.*

*(e) A member of a reserve component ordered into the active military service of the United States will be allowed a reasonable period of time between the date he is alerted for active duty and the date on which he is required to enter upon active duty. Such period shall be at least thirty days unless military conditions as determined by the appropriate Secretary do not permit.*

*(f) In any expansion of the active Armed Forces of the United States which requires the ordering into the active military service involuntarily of individual officers of the reserve components who are not members of units organized for the purpose of serving as such, it shall be the policy to utilize to the greatest practicable extent the services of qualified and available officers of the reserve components in all grades in accordance with the requirements of branch, grade, and specialty.*

*(g) Insofar as practicable, in any expansion of the active Armed Forces of the United States which requires that units and members of the reserve components be ordered into the active military service of the United States, members of units organized and trained for the purpose of serving as a unit shall be ordered involuntarily into active duty only with their units. This shall not be interpreted as prohibiting the reassignment of personnel of such units after being ordered into the active military service of the United States.*

*SEC. 234. Members of the reserve components may with their consent, and in the case of the members of the National Guard of the United States and Air National Guard of the United States with the consent of the governor or other appropriate authority of the State, Territory, or District of Columbia concerned, be ordered to or retained on active duty to perform duties in connection with organizing, administering, recruiting, instructing, or training the reserve components. Hereafter, members ordered into the active military service of the United States under the provisions of this section shall be so ordered in the grade held by them in the Reserve of their Armed Force, and shall, while so serving, continue to be eligible for promotion in the Reserve of their Armed Force, if otherwise qualified. For the purpose of insuring that members of the reserve components ordered to or retained on duty under this section receive periodic refresher training in the various categories for which individually qualified, the appropriate Secretary may order those members to duty with any of the Armed Forces of the United States or the components thereof, or otherwise as he sees fit.*

*SEC. 235. (a) In order that members of the reserve components may remain on or be ordered to active duty voluntarily for terms of service of definite duration, the appropriate Secretary may, except in time of war hereafter declared by the Congress, enter into standard written agreements with members of the reserve components for periods of active duty not to exceed five years. Upon expiration of an agreement for active duty, a*

*new agreement may be effected pursuant to this section. Each agreement shall provide that the member shall not be released from active duty involuntarily during the period of the agreement*

*(1) by reason of a reduction in numerical strength of the military personnel of the Armed Force of the United States concerned unless his release is in accordance with the recommendation of a board of officers appointed by competent authority to determine the members to be released from active duty under regulations prescribed by the appropriate Secretary; or*

*(2) for reasons other than that prescribed in paragraph (1) above without an opportunity to be heard by a board of officers prior to such release, unless such release from active duty is pursuant to sentence of courts-martial, unexplained absence without leave of three months duration, or final conviction and sentence to confinement in a Federal or State penitentiary or correctional institution.*

*(b) Any member involuntarily released from active duty prior to the expiration of the period of service under his agreement (except when such release is pursuant to sentence of courts-martial, or unexplained absence without leave of three months duration, or final conviction and sentence to confinement in a Federal or State penitentiary or correctional institution, or when such release is due to a physical disability resulting from the member's intentional misconduct or willful neglect, or when the member is eligible for retirement pay or severance pay under any other provision of law, or when he is placed on a temporary disability retired list, or when he is released for the purpose of accepting an appointment or enlisting in a Regular component) shall be entitled to receive an amount equal to one month's pay and allowances multiplied by the number of years (including any pro rata part thereof) remaining as the unexpired period of his agreement for active duty, such amount to be in addition to any pay and allowances which he may otherwise be entitled to receive. Computation of amounts payable by reason of termination of each such agreement shall be based on the basic pay, special pay, and allowances to which the member concerned is entitled at the time of his release from active duty. Fractions of a month less than fifteen days shall be disregarded and fifteen days or more shall be counted as one month.*

*(c) A member of a reserve component who enters into a written agreement under this section shall be obligated to serve for the full period of active duty specified in the written agreement.*

*(d) No person shall be offered a written agreement under this section unless the period of active duty specified in the agreement exceeds by at least twelve months any period of obligated or involuntary active duty to which he is otherwise liable.*

*(e) Agreements entered into pursuant to this section shall be as uniform as practicable, and shall be subject to such standards and policies as the Secretary of Defense (and the Secretary of the Treasury for the Coast Guard when the Coast Guard is not operating as a service in the Navy) may prescribe.*

*(f) This section shall be effective upon enactment of this Act.*

*SEC. 236. In time of war or national emergency hereafter declared by the Congress or in time of national emergency proclaimed by the President after the effective date of this Act, a member of a reserve component whose period of active duty expires under an agreement entered into pursuant to section 235 of this Act may be retained on active duty involuntarily in accordance with law.*

*SEC. 237. Notwithstanding any other provision of law, members of the reserve components now or hereafter serving on active duty may, under such regulations as may be prescribed by the appropriate Secretary, be detailed or assigned to any duty authorized by law for officers and enlisted members of a Regular component of the Armed Forces of the United States.*

*SEC. 238. When units or members of the reserve components are ordered to active duty during a period of partial mobilization, the appropriate Secretary shall continue to maintain mobilization forces by planning and budgeting to insure the continued organization and training of the reserve components not mobilized, and, consistent with the approved joint mobilization plans, to utilize to the fullest extent practicable the Federal facilities vacated by mobilized units.*

*SEC. 239. (a) Except as otherwise provided by this Act, the appropriate Secretary may release any member of the reserve components from active duty or active duty for training at any time.*

*(b) In time of war or national emergency hereafter declared by the Congress, or in time of national emergency hereafter proclaimed by the President, a member of a reserve component who is serving on active duty, shall not be released from active duty except on the approved recommendation of a board of officers convened by competent authority if he requests such action: Provided, That the provisions of this subsection shall not be applicable to any Armed Force during a period of demobilization or reduction in strength of any such Armed Force.*

### *CHAPTER 4—PAY, ALLOWANCES, AND BENEFITS*

*SEC. 240. Subject to the provisions of this Act, members of the reserve components may be ordered to active duty, active duty for training, or other duty with pay and allowances as provided by law, or, with their consent, without pay. Duty without pay shall be counted for all purposes the same as like duty with pay.*

*SEC. 241. Members of the reserve components retained or continued on active duty or active duty for training pursuant to law after the expiration of their term of service are entitled to pay and allowances while on such duty except to the extent that forfeiture thereof is adjudged by an approved sentence of a court-martial or nonjudicial punishment by a commanding officer, or unless otherwise in a nonpay status pursuant to law.*

*SEC. 242. When employed on active duty or on active duty for training with pay and when engaged in authorized travel to and from such duty, enlisted members of the reserve components designated as officer candidates under the provisions of section 215 (a) of this Act shall have the pay and allowances of their enlisted grade, but not less than the pay and allowances of pay grade E–2 under the Career Compensation Act of 1949, as amended.*

*SEC. 243. (a) An officer of a reserve component or of the Army of the United States without component or the Air Force of the United States without component shall be entitled to an initial sum not to exceed $200 as reimbursement for the purchase of required uniforms and equipment, either—*

*(1) upon first reporting for active duty for a period in excess of ninety days; or*

*(2) upon completion, as a member of a reserve component, of not less than fourteen days active duty or active duty for training; or*

*(3) after the performance of fourteen periods of not less than two hours' duration each, of inactive-duty training as a member in the Ready Reserve of a reserve component: Provided, That only duty requiring the wearing of the uniform shall be counted for the purpose of this section: Provided further, That any initial uniform reimbursement or allowance heretofore or hereafter received as an officer under the provisions of any other law shall be a bar to the entitlement for any initial sum authorized under the provisions of this section: And provided further, That any individual who has served on active duty as an officer of a Regular component of the Armed Forces of the United States may not be qualified for entitlement under this section by duty performed within two years after separation from such Regular component.*

*(b) An officer of a reserve component shall be entitled to an additional sum of not to exceed $50 for reimbursement for the purchase of required uniforms and equipment, upon completion of each period after the date of enactment of this Act of four years of satisfactory Federal service as prescribed in title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, performed in an active status in a reserve component and which shall include at least twenty-eight days of active duty or active duty for training: Provided, That any period of active duty or active duty for training for a period in excess of ninety days shall be excluded in determining the period of four years required for eligibility under this subsection: Provided further, That a person who receives or has heretofore received a uniform reimbursement or allowance as an officer shall not be entitled to the reimbursement provided in this subsection until the expiration of not less than four years from the date of entitlement to the last reimbursement or allowance: And provided further, That, until four years after the date of enactment hereof, an officer may elect to receive the uniform reimbursement not to exceed $50 to which he may be entitled under existing regulations issued pursuant to section 302 of the Naval Reserve Act of 1938, as amended, or section 11 of the Act of August 4, 1942, as amended.*

*(c) An officer of a reserve component or of the Army of the United States without component or of the Air Force of the United States without component entering on active duty or active duty for training on or after June 25, 1950, shall be entitled, for each time of such entry or reentry on active duty or active duty for training of more than ninety days' duration to a further sum not to exceed $100 as reimbursement for additional uniforms and equipment required on such duty: Provided, That the reimbursement provided by this subsection shall not be payable to any officer who, under any provision of law, has received an initial uniform reimbursement or allowance in excess of $200 during his current tour of active duty or within a period of two years prior to entering on his current tour of active duty: Provided further, That the reimbursement provided in this subsection shall not be payable to any officer entering on active duty or active duty for training within two years after completing a previous period of active duty or active duty for training of more than ninety days' duration.*

*(d) The receipt of a uniform and equipment reimbursement as an officer of one of the reserve components shall be a bar to entitlement to a uniform reimbursement upon transfer to or appointment in another, except where a different uniform is required: Provided, That reimbursement for uniforms and equipment upon transfer to or appointment in another reserve component within the limits and under the conditions*

*prescribed by subsections (a) and (c) of this section may be made in accordance with regulations approved by the Secretary of Defense or the Secretary of the Treasury in the case of the Coast Guard when the Coast Guard is operating as a service in the Treasury Department.*

*SEC. 244. Section 501 of the Career Compensation Act of 1949, as amended, is further amended, by substituting a comma for the colon immediately preceding the proviso in subsection (a) thereof, and inserting the following: "and additionally, in the discretion of the Secretary concerned, enlisted members of the above services shall be entitled to rations in kind, or a portion thereof, when the instruction or duty period or periods concerned total eight or more hours in any one calendar day:".*

*SEC. 245. (a) All provisions of law applicable to the Organized Reserve Corps or the Air Force Reserve, and to the members thereof and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to the Army Reserve and to the Air Force Reserve referred to in this Act, respectively, and to the members thereof and their dependents and beneficiaries. All provisions of law applicable to the Officers Reserve Corps and to the members thereof or to officers of the Air Force Reserve and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to officers of the Army Reserve and the Air Force Reserve referred to in this Act, respectively, and their dependents and beneficiaries. All provisions of law applicable to the Enlisted Reserve Corps and to the members thereof or to enlisted members of the Air Force Reserve, and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to enlisted members of the Army Reserve and the Air Force Reserve referred to in this Act, respectively, and their dependents and beneficiaries.*

*(b) All provisions of law applicable to the Naval Reserve, Marine Corps Reserve, or the Coast Guard Reserve (other than temporary members of the Coast Guard Reserve), and to the members thereof and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to the Naval Reserve, Marine Corps Reserve, and the Coast Guard Reserve (other than temporary members of the Coast Guard Reserve) referred to in this Act, respectively, and to the members thereof and their dependents and beneficiaries. All provisions of law applicable to officers of the Naval Reserve, Marine Corps Reserve, or of the Coast Guard Reserve (other than temporary officers of the Coast Guard Reserve), and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to officers of the Naval Reserve, Marine Corps Reserve, and of the Coast Guard Reserve (other than temporary officers of the Coast Guard Reserve) referred to in this Act, respectively, and their dependents and beneficiaries. All provisions of law applicable to enlisted members of the Naval Reserve, Marine Corps Reserve, or Coast Guard Reserve (other than temporary members of the Coast Guard Reserve), and their dependents and beneficiaries, not inconsistent with the provisions of this Act, shall be applicable to enlisted members of the Naval Reserve, Marine Corps Reserve, and of the Coast Guard Reserve (other than temporary members of the Coast Guard Reserve) referred to in this Act, respectively, and their dependents and beneficiaries.*

*(c) All laws applicable to commissioned, warrant, or enlisted members of the National Guard of the United States and the Air National Guard of the United States, and to their beneficiaries and dependents, not inconsistent with the provisions of this Act, shall be applicable to com-*

*missioned, warrant, and enlisted members, respectively, of the National Guard of the United States and the Air National Guard of the United States referred to in this Act, and to their beneficiaries and dependents.*

### *Chapter 5—Civil Employment*

*Sec. 246. When not on active duty, members of the reserve components shall not be held or considered to be officers or employees of the United States, or persons holding any office of profit or trust or discharging any official function under or in connection with any department or agency of the United States, solely by reason of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay and allowances received as such.*

*Sec. 247. Members of the reserve components, subject to the approval of the appropriate Secretary, may accept civil employment with and compensation therefor from any foreign government or any concern which is controlled in whole or in part by a foreign government.*

### *Chapter 6—Separation*

*Sec. 248. Subject to the provisions of this Act, the discharge of commissioned officers of the reserve components shall be effected at the pleasure of the President, and the discharge of other members of the reserve components shall be in accordance with regulations promulgated by the appropriate Secretary.*

*Sec. 249. (a) An officer of the reserve components who has completed three years of commissioned service shall not be involuntarily discharged or separated except pursuant to the approved recommendation of a board of officers convened by competent authority or the approved sentence of a court-martial: Provided, That this subsection shall not apply to separation effected under subsection (b) of this section or section 231 of this Act.*

*(b) The President or the appropriate Secretary may drop from the rolls any member of the reserve components who has been absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a Federal or State penitentiary or correctional institution.*

*(c) A member of a reserve component discharged or separated for cause other than as specified in subsection (b) of this section shall be given a discharge under honorable conditions unless—*

*(1) a discharge under conditions other than honorable is effected pursuant to the approved sentence of a court-martial or the approved findings of a board of officers convened by competent authority, or*

*(2) the member consents to a discharge under conditions other than honorable with waiver of court-martial or board proceedings.*

### *Chapter 7—Administration*

*Sec. 250. There shall be no discrimination between and among members of the Regular and reserve components in the administration of laws applicable to both Regulars and Reserves.*

*Sec. 251. The Secretary of the Treasury with the concurrence of the Secretary of the Navy, and, subject to such standards, policies, and procedures as may be prescribed by the Secretary of Defense, the Secretary of*

*the Army, the Secretary of the Navy, and the Secretary of the Air Force shall make and publish such regulations as he determines necessary to carry out the provisions of this Act. Insofar as practicable, the regulations for all the reserve components shall be uniform.*

*SEC. 252. Each of the Armed Forces of the United States shall have officer members of its reserve components on active duty, at the seat of the Government and at such headquarters as are charged with responsibility for reserve affairs, in addition to those authorized pursuant to the provisions of sections 5 and 81 of the National Defense Act, as amended, or any other provision of law, within such numbers and in such grades and duty assignments as the appropriate Secretary shall prescribe, to assist and participate in the preparation and administration of all policies and regulations affecting their reserve component. While so serving such officers shall be considered as additional numbers of the staff with which serving.*

*SEC. 253. The appropriate Secretary shall detail such members of the Regular and reserve components as may be necessary for effectively developing, training, instructing, and administering the reserve components.*

*SEC. 254. (a) All boards convened for the appointment, promotion, demotion, involuntary release from active duty, discharge, or retirement of members of the reserve components shall include appropriate numbers from the reserve components, as prescribed by the appropriate Secretary in accordance with standards and policies established by the Secretary of Defense.*

*(b) The members of all boards convened for selection for promotion or for the discharge or demotion of members of the reserve components shall be senior to the members under consideration, except that a member of a board serving in a legal advisory capacity may be junior to any person, other than a judge advocate or a law specialist, being considered and that a member of a board serving in a medical advisory capacity may be junior to any person, other than a medical officer, being considered.*

*SEC. 255. (a) The appropriate Secretary shall make available to each reserve component such supplies, equipment, services, and facilities of the Armed Forces of the United States as he may deem necessary and advisable for the support and development of the reserve components.*

*(b) The appropriate Secretary or his authorized representative may issue supplies and equipment of the appropriate Armed Force of the United States to the reserve components without charging the cost or value thereof, or any expenses in connection therewith, against or in any way affecting the appropriation provided for the reserve components: Provided, That the appropriate Secretary finds it to be in the best interests of the United States to issue such equipment and supplies: And provided further, That any such equipment and supplies so furnished may, pursuant to this section, be repossessed or redistributed as the appropriate Secretary may prescribe. This subsection shall not apply to supplies and equipment issued to the National Guard and Air National Guard of the several States, Territories, and the District of Columbia, under sections 67 and 84, National Defense Act, as amended, but applies to supplies and equipment issued in addition thereto.*

*(c) Nothing in this section shall be construed to repeal, limit, or modify in any manner the provisions of sections 67 and 84, National Defense Act, as amended.*

*(d) It is the sense of the Congress that the National Defense Facilities Act of 1950 be authorized to be implemented immediately upon the enactment of this Act.*

*SEC. 256. (a) The Secretary of Defense shall designate an Assistant Secretary of Defense who shall, in addition to other duties, have the principal responsibility for all Reserve affairs of the Department of Defense. The Secretary of each military department and, when the Coast Guard is not operating as a service in the Navy, the Secretary of the Treasury, or, as such Secretary may prescribe for his department, the Under Secretary or an Assistant Secretary of such department, shall, in addition to other duties, have the principal responsibility for supervision of all activities of the reserve components under the jurisdiction of that department.*

*(b) The Secretary of each military department and, when the Coast Guard is not operating as a service in the Navy, the Secretary of the Treasury shall designate a general or flag officer of each Armed Force of the United States therein who shall be directly responsible for reserve affairs to the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Commandant of the Coast Guard, as appropriate. Nothing in this subsection shall be deemed to curtail or infringe upon the present missions and functions of the Chief of the National Guard Bureau.*

*SEC. 257. (a) There is hereby established in the Office of the Secretary of Defense a Reserve Forces Policy Board consisting of—*

*(i) a civilian chairman appointed by the Secretary of Defense;*

*(ii) the Secretary, the Under Secretary, or an Assistant Secretary of each military department designated pursuant to section 256 (a) of this Act;*

*(iii) one Regular officer from each military department designated by the appropriate Secretary;*

*(iv) four Reserve officers appointed by the Secretary of Defense upon recommendation of the Secretary of the Army, two of whom shall be members of the National Guard of the United States and two of whom shall be members of the Army Reserve;*

*(v) four Reserve officers appointed by the Secretary of Defense upon recommendation of the Secretary of the Navy, two of whom shall be members of the Naval Reserve and two of whom shall be members of the Marine Corps Reserve;*

*(vi) four Reserve officers appointed by the Secretary of Defense upon recommendation of the Secretary of the Air Force, two of whom shall be members of the Air National Guard of the United States and two of whom shall be members of the Air Force Reserve; and*

*(vii) a Reserve officer of general or flag officer grade appointed by the chairman of the Board with the approval of the Secretary of Defense, who shall act as military adviser to the chairman and shall serve as executive officer of the Board without vote.*

*(b) When the Coast Guard is not operating as a service in the Navy, the Secretary of the Treasury may designate a Regular or Reserve officer of the Coast Guard to serve with the Reserve Forces Policy Board but he shall not be a voting member.*

*(c) The Reserve Forces Policy Board, acting through the Assistant Secretary of Defense designated pursuant to section 256 (a) of this Act, shall be the principal policy adviser to the Secretary of Defense on matters pertaining to the reserve components.*

*(d) Nothing in this section shall be construed to limit or modify in any manner the functions of the committees on reserve policies established pursuant to section 5 of the National Defense Act, as amended, or by this Act: Provided, That nothing herein shall prevent a member of those committees from serving as a member of the Reserve Forces Policy Board.*

*(e) The semiannual report of the Secretary of Defense as required by the National Security Act of 1947, as amended, shall contain a chapter which shall be a report of the Reserve Forces Policy Board on the status of the reserve programs of the Department of Defense.*

*SEC. 258. Each Armed Force of the United States shall maintain adequate and current personnel records of each member of its reserve components, indicating the physical condition, dependency status, military qualifications, civilian occupational skills, availability, and such other data as the appropriate Secretary may prescribe.*

*SEC. 259. The Secretary of Defense is directed to require the complete and up-to-date dissemination of information of interest to the reserve components to all members of the reserve components and to the public in general.*

## *PART III—RESERVE COMPONENTS OF THE ARMY*

*SEC. 301. The National Guard of the United States and the Army Reserve are reserve components of the Army. All officers and enlisted members of the National Guard of the United States and all officers and enlisted members of the Army Reserve are Reserve officers and Reserve enlisted members, respectively, of the Army.*

*SEC. 302. The Organized Reserve Corps is redesignated as the Army Reserve.*

*SEC. 303. The Army Reserve includes all Reserve officers and Reserve enlisted members of the Army other than those who are members of the National Guard of the United States.*

*SEC. 304. Except as otherwise specifically provided, all laws now or hereafter applicable to male officers and former officers of the Army Reserve, to enlisted men and former enlisted men of the Army Reserve, and to their dependents and beneficiaries shall in like cases be applicable respectively to female Reserve officers and female former Reserve officers of the Army Reserve, to Reserve enlisted women and former Reserve enlisted women of the Army Reserve, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to the female persons in the Army Reserve. The husbands of women members of the Army Reserve shall not be considered dependents unless they are in fact dependent on their wives for over half of their support, and the children of such members shall not be considered dependents unless they are in fact dependent on their mother for over half of their support.*

## *PART IV—RESERVE COMPONENTS OF THE NAVY, MARINE CORPS, AND COAST GUARD*

*SEC. 401. The Naval Reserve is the reserve component of the Navy.*

*SEC. 402. The Marine Corps Reserve is the reserve component of the Marine Corps.*

*SEC. 403. The Coast Guard Reserve is the reserve component of the Coast Guard.*

*SEC. 404. The Naval Reserve shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations. The bureaus and offices of the Navy shall hold the same relation and responsibility to the Naval Reserve as they do to the Regular Establishment.*

*SEC. 405. The Marine Corps Reserve shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps. The departments and offices of the Marine Corps shall hold the same relation and responsibility to the Marine Corps Reserve as they do to the Regular Establishment.*

*SEC. 406. The Coast Guard Reserve shall be organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. The departments and offices of the Coast Guard shall hold the same relation and responsibility to the Coast Guard Reserve as they do to the Regular Establishment.*

*SEC. 407. For the purpose of considering, recommending, and reporting to the appropriate Secretary on reserve policy matters, there shall be convened at least annually, at the seat of government, a Naval Reserve Policy Board, a Marine Corps Reserve Policy Board, and a Coast Guard Reserve Policy Board. At least half of the members of each such Reserve policy board shall be officers of the appropriate reserve component.*

*SEC. 408. The Act of March 17, 1949 (ch. 23; 63 Stat. 14), is amended by striking out the first proviso thereof.*

*SEC. 409. The Secretary of the Navy shall prescribe a suitable flag to be known as the Naval Reserve flag. This flag may be flown by seagoing merchant vessels—*

*(a) documented under the laws of the United States, which have been designated by the Secretary of the Navy under such regulations as he may prescribe as suitable for service as naval auxiliaries in time of war, and*

*(b) the master or commanding officer and not less than 50 per centum of the other licensed officers of which are members of the Navy or Naval Reserve.*

*SEC. 410. The Secretary of the Navy shall prescribe a suitable pennant to be known as the Naval Reserve yacht pennant. This pennant may be flown by yachts and similar-type vessels—*

*(a) documented under the laws of the United States, which have been designated by the Secretary of the Navy under such regulations as he may prescribe as suitable for service as naval auxiliaries in time of war, and*

*(b) the captain or owner of which is a member of the Navy or Naval Reserve.*

*SEC. 411. In time of national emergency declared by the President or by the Congress and in time of war, the President is authorized to appoint qualified persons (including persons who hold no Regular or Reserve status) as temporary officers in the Naval Reserve and the Marine Corps Reserve in any of the several commissioned officer grades, and persons so appointed may be ordered to active duty for such periods of time as the President may prescribe. The appointment of such a temporary officer, if not sooner vacated, shall continue during the national emergency or war in which the appointment was made and for six months thereafter. All such temporary appointments may be vacated at any time by the President. Temporary officers so appointed may, upon application, and, if selected, be commissioned as a Regular or Reserve officer of the Armed Force of the United States in which he served as provided by law.*

*SEC. 412. Temporary members now or hereafter enrolled in the Coast Guard Reserve are excluded from the provisions of this Act.*

*SEC. 413. (a) Members of the Naval Reserve and the Marine Corps Reserve who have performed a total of not less than thirty years' active Federal service; or who have had not less than twenty years' active Federal service, the last ten years of which shall have been performed during the eleven years immediately preceding their transfer to a retired Reserve; may be placed in a Retired Reserve upon their request.*

*(b) Except while on active duty, personnel transferred to a Retired Reserve as provided by this section shall be entitled to pay at the rate of 50 per centum of their active-duty rate of pay.*

*(c) If a performance of duty for which commended occurred not later than December 31, 1946, officers specially commended for a performance of duty in actual combat with the enemy by the head of the executive department under whose jurisdiction such duty was performed shall be advanced to the next higher grade when placed in a Retired Reserve. However, officers heretofore holding rank or grade on the honorary retired lists of the Naval Reserve or Marine Corps Reserve or hereafter holding rank or grade in a Retired Reserve pursuant to this section above captain in the Naval Reserve or above colonel in the Marine Corps Reserve solely by virtue of such commendation, if hereafter recalled to active duty, may, in the discretion of the Secretary of the Navy, be recalled either in the rank or grade to which they would otherwise be entitled had they not been accorded higher rank or grade by virtue of such commendation, or in the rank or grade held by them in a Retired Reserve.*

*(d) The provisions of this section shall not be applicable to any person who is not a member of the Naval Reserve or Marine Corps Reserve on the effective date of this Act.*

*(e) The provisions of this section shall terminate twenty years from the effective date of this Act, but such termination shall not affect any accrued rights to retired pay.*

*(f) Nothing contained in this section shall be construed as prohibiting any person eligible for retirement under the provisions of this section from retiring under the provisions of any other law under which he may be eligible.*

*SEC. 414. Except as otherwise specifically provided, all laws now or hereafter applicable to male officers and former officers of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve; to enlisted men and former enlisted men of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve; and to their dependents and beneficiaries shall in like cases be applicable respectively to female Reserve officers and female former Reserve officers of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve, as appropriate, to Reserve enlisted women and former Reserve enlisted women of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve, as appropriate, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to the female persons. The husbands of women members of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve shall not be considered dependents unless they are in fact dependent on their wives for over half of their support, and the children of such members shall not be considered dependents unless they are in fact dependent on their mother for over half of their support.*

## *PART V—THE NAVAL MILITIA*

*SEC. 501. The Naval Militia consists of the Naval Militia of the States, Territories, and the District of Columbia.*

*SEC. 502. The Secretary of the Navy may appoint any officer or enlisted member of the Naval Militia to the rank, grade, or rating for which qualified in the Naval Reserve or Marine Corps Reserve.*

*SEC. 503. When ordered to active duty in the service of the United States, members of the Naval Reserve or Marine Corps Reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in the Naval Militia from the active duty date of the orders and for so long as they remain on active duty.*

*SEC. 504. Such vessels, material, armament, equipment, and other facilities of the Navy and Marine Corps as are or may be made available to the Naval Reserve and the Marine Corps Reserve may also be made available in accordance with regulations prescribed by the Secretary of the Navy for issue or loan to the several States, Territories, or the District of Columbia for the use of the Naval Militia if—*

*(a) at least 95 per centum of the personnel of the portion or unit of the Naval Militia to which such facilities would be made available are members of the Naval Reserve or Marine Corps Reserve, and*

*(b) the organization, administration, and training of the Naval Militia conform to standards prescribed by the Secretary of the Navy.*

## *PART VI—RESERVE COMPONENTS OF THE AIR FORCE*

*SEC. 601. The Air National Guard of the United States and the Air Force Reserve are reserve components of the Air Force. All officers and enlisted members of the Air National Guard of the United States and all officers and enlisted members of the Air Force Reserve are Reserve officers and Reserve enlisted members, respectively, of the Air Force.*

*SEC. 602. The Air Force Reserve includes all Reserve officers and Reserve enlisted members of the Air Force other than those who are members of the Air National Guard of the United States.*

*SEC. 603. Except as otherwise specifically provided, all laws now or hereafter applicable to male officers and former officers of the Air Force Reserve, to enlisted men and former enlisted men of the Air Force Reserve, and to their dependents and beneficiaries shall in like cases be applicable respectively to female Reserve officers and female former Reserve officers of the Air Force Reserve, to Reserve enlisted women and former Reserve enlisted women of the Air Force Reserve, and to their dependents and beneficiaries except as may be necessary to adapt said provisions to the female persons in the Air Force Reserve. The husbands of women members of the Air Force Reserve shall not be considered dependent unless they are in fact dependent on their wives for over half of their support, and the children of such members shall not be considered dependents unless they are in fact dependent on their mother for over half of their support.*

## *PART VII—THE NATIONAL GUARD OF THE UNITED STATES AND THE AIR NATIONAL GUARD OF THE UNITED STATES*

*SEC. 701. The National Guard of the United States and the Air National Guard of the United States are reserve components of the Army and the Air Force, respectively, and references in this Act, in the absence of express provision otherwise, are to be construed accordingly. Whenever joint reference is made to the National Guard of the United States and the Air National Guard of the United States on any matter of common concern together with reference to the Army and Air Force or other component thereof, the reference in the case of the National Guard of the United States shall be construed to be to the Army and in the case of the Air National Guard of the United States to be to the Air Force.*

*SEC. 702. (a) The National Guard of the United States shall consist of all federally recognized units, organizations, and members of the National Guard of the several States, Territories, and the District of Columbia, who, in addition to their status as such, are Reserves of the Army in the same commissioned, warrant, or enlisted grade as they hold in the National Guard of the several States, Territories, or the District o Columbia.*

*(b) The Air National Guard of the United States shall consist of all federally recognized units, organizations, and members of the Air National Guard of the several States, Territories, and the District of Columbia, who in addition to their status as such, are Reserves of the Air Force in the same commissioned, warrant, or enlisted grade as they hold in the Air National Guard of the several States, Territories, or the District of Columbia.*

*SEC. 703. (a) To be federally recognized, a member of the National Guard or Air National Guard of any State, Territory, or the District of Columbia must be a member of a federally recognized unit or other federally recognized subdivision of the National Guard or Air National Guard, respectively, and possess the qualifications prescribed by the appropriate Secretary for the grade, branch, position, and type of unit or other subdivision involved, and, in the case of officers, except as provided in section 705 of this Act, successfully pass the examination prescribed by section 75, National Defense Act, as amended.*

*(b) Upon being federally recognized, those officers who do not hold appointments as Reserve officers of the appropriate Armed Force of the United States shall be appointed as Reserve officers of the appropriate Armed Force of the United States in the same grade in which they hold federally recognized appointments in the National Guard or Air National Guard of a State, Territory, or the District of Columbia, for service as a member of the National Guard of the United States or Air National Guard of the United States, as appropriate: Provided, That the acceptance of an appointment in the same grade and branch as a Reserve officer of the Armed Force of the United States concerned, by an officer of the National Guard or Air National Guard of a State, Territory, or the District of Columbia, shall not operate to vacate his State, Territory, or District of Columbia National Guard or Air National Guard office.*

*SEC. 704. The appropriate Secretary may by regulation authorize the temporary extension of Federal recognition to any officer of the National Guard or Air National Guard who shall have successfully passed the*

*examination prescribed in section 75 of the National Defense Act, as amended, pending final determination of his eligibility for, and his appointment as, a Reserve officer of the Army or Air Force in the grade concerned. If and when so appointed the appointment shall be dated as of, shall be considered to have been accepted on, and shall be deemed to have been effective from, the date of such recognition. However, a temporary extension of Federal recognition shall be granted only when the officer takes oath that during such recognition he will perform all Federal duties and obligations required of him the same as though he were appointed as a Reserve officer of the Army or Air Force in the same grade. Such temporary recognition may be withdrawn at any time and if not sooner withdrawn or replaced by permanent recognition upon appointment as a Reserve officer in the same grade, it shall automatically terminate six months after its effective date: Provided, That temporary extension of Federal recognition may, as provided in this section, be granted to Reserve officers pending final determination of their eligibility for such Federal recognition.*

*SEC. 705. (a) Notwithstanding the provisions of section 75, National Defense Act, as amended, whenever a member of the Army Reserve or Air Force Reserve becomes an officer of the National Guard or Air National Guard of any State, Territory, or District of Columbia in the same grade in which he is appointed as a Reserve officer of the appropriate Armed Force of the United States, he shall, subject to such physical examination as may be prescribed, be extended Federal recognition in such grade as of the date of his appointment in the National Guard or Air National Guard and concurrently become a member of the National Guard of the United States or Air National Guard of the United States, as appropriate, and ceases to be a member of the Army Reserve or of the Air Force Reserve.*

*(b) Whenever a member of the Army Reserve or of the Air Force Reserve is duly enlisted in the National Guard or Air National Guard of any State, Territory, or the District of Columbia, and is a member of a federally recognized unit or organization thereof, in the same grade in which he is a Reserve of the appropriate Armed Force of the United States, he becomes a member of the National Guard of the United States or of the Air National Guard of the United States and ceases to be a member of the Army Reserve or of the Air Force Reserve.*

*SEC. 706. Under such regulations as the appropriate Secretary may prescribe, and with the consent of the Governor or other appropriate authority of the State, Territory, or District of Columbia concerned, a member of the National Guard of the United States or of the Air National Guard of the United States may be transferred in grade at any time to the Army Reserve or the Air Force Reserve, and such transfer shall terminate his federally recognized National Guard or Air National Guard status. Upon the transfer of any person whose service has been honorable, from the National Guard of the United States or from the Air National Guard of the United States to the Army Reserve or to the Air Force Reserve, he shall be eligible for promotion to the highest permanent grade previously held in the Army or any component thereof or in the Air Force or any component thereof.*

*SEC. 707. Unless discharged from his appointment or enlistment as a Reserve officer or Reserve enlisted member, respectively, whenever a member of the National Guard of the United States or of the Air National Guard of the United States ceases to hold a status as a federally recognized member of the National Guard or of the Air National Guard of any*

*State, Territory, or the District of Columbia, he becomes a member of the Army Reserve or of the Air Force Reserve and ceases to be a member of the National Guard of the United States or of the Air National Guard of the United States.*

*SEC. 708. Notwithstanding any other provisions of this Act, warrant officers and enlisted members of the National Guard of the United States and of the Air National Guard of the United States may, without affecting such status, hold appointments as Reserve commissioned officers of the Army or of the Air Force in the grade of second lieutenant or first lieutenant without vacating their warrant or enlisted grades and ratings in the National Guard or Air National Guard of the appropriate State, Territory, or the District of Columbia.*

*SEC. 709. Except when ordered thereto in accordance with law, members of the National Guard of the United States and of the Air National Guard of the United States shall not be on active duty in the service of the United States. When not on active duty in the service of the United States, they shall be administered, armed, uniformed, equipped, and trained in their status as members of the National Guard and Air National Guard of the several States, Territories, and the District of Columbia.*

*SEC. 710. When ordered to active duty in the service of the United States, members of the National Guard of the United States and of the Air National Guard of the United States shall stand relieved from duty in the National Guard and Air National Guard of their respective States, Territories, and the District of Columbia from the active-duty date of the orders and for so long as they remain on active duty in the service of the United States. During such active duty in the service of the United States, they shall be subject to the laws and regulations applicable to members of the Army and Air Force.*

*SEC. 711. Upon ordering any portion of the National Guard of the United States or of the Air National Guard of the United States into the active military service of the United States, the President may relieve the State, Territory, or District of Columbia concerned of such accountability and liability under such terms and conditions as he may prescribe for any United States property theretofore issued to it for the use of such portion of the National Guard of the United States or of the Air National Guard of the United States.*

*SEC. 712. (a) During the initial mobilization, insofar as practicable, the organization of units of the National Guard of the United States and of the Air National Guard of the United States existing at the date of an order to active Federal service shall be maintained intact.*

*(b) Upon being relieved from active duty, insofar as practicable, units, organizations, and individuals shall be returned to the National Guard and Air National Guard in their respective States, Territories, and the District of Columbia, together with sufficient arms and equipment as determined by the appropriate Secretary to accomplish their peacetime mission.*

*SEC. 713. (a) When officers and enlisted members of the National Guard of the United States or of the Air National Guard of the United States are ordered into Federal service they shall be ordered to active duty in their status as Reserve officers and Reserve enlisted members of the Army or Air Force.*

*(b) When the National Guard of the United States or the Air National Guard of the United States is ordered into the active military service of the United States, officers of the National Guard and of the Air National Guard who do not hold appointments as Reserve officers of the Army or Air*

*Force may be so appointed by the President in the same grade and branch held by them in the National Guard or Air National Guard.*

*SEC. 714. For the purposes of all laws now or hereafter enacted providing benefits for members of the National Guard of the United States and of the Air National Guard of the United States and their dependents and beneficiaries—*

*(a) All military training, duties, and service performed by members of the National Guard of the United States or members of the Air National Guard of the United States while in their status as members of the National Guard or Air National Guard of the several States, Territories, and the District of Columbia, for which they are entitled by law to receive pay from the United States, shall be considered military training, duties, and service in the service of the United States performed by them as Reserve members of the Army or Air Force.*

*(b) The full-time training or other full-time duty performed by members of the National Guard of the United States or members of the Air National Guard of the United States while in their status as members of the National Guard or Air National Guard of the several States, Territories, and the District of Columbia pursuant to sections 94, 97, 99, and 113 of the National Defense Act, as amended, for which they are entitled to receive pay from the United States or without pay as provided in section 240 of this Act shall be considered active duty for training in the service of the United States as Reserve members of the Army or Air Force: Provided, That from the date of enactment of this Act such duty for a period of thirty days or more shall be considered active service as members of the Armed Forces for the purposes of the Armed Forces Leave Act of 1946 (60 Stat. 963) as amended (37 U. S. C. 31a et seq.).*

*(c) The inactive-duty training performed by members of the National Guard of the United States or members of the Air National Guard of the United States while in their status as members of the National Guard or Air National Guard of the several States, Territories, and the District of Columbia under regulations prescribed by the appropriate Secretary pursuant to section 92 of the National Defense Act, as amended, or other express provision shall be considered inactive-duty training in the service of the United States as Reserve members of the Army or Air Force.*

## *PART VIII—APPROPRIATIONS, REPEALS, AMENDMENTS, AND MISCELLANEOUS PROVISIONS*

*SEC. 801. There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.*

*SEC. 802. Except as otherwise specifically provided, this Act shall become effective on the first day of the sixth month following the month of enactment.*

*SEC. 803. The following Acts and parts of Acts are repealed:*

*The Naval Reserve Act of 1938, as amended, except for all provisions of title II and section 304 of title III. Notwithstanding the repeal of section 1 and section 4 of title I of the Naval Reserve Act of 1938, as amended, the Fleet Reserve established by said Act, as amended, shall be composed of persons transferred thereto in accordance with title II of said Act, as amended, including (a) those former members of the Fleet Naval Reserve as a result of sixteen or more years of active naval service who were transferred to the Fleet Reserve in accordance with the said*

*Act, and (b) citizens of the Philippine Islands who were in the naval service on July 4, 1946, or who, having been discharged from the naval service on or prior to that date, reenlisted therein subsequent to July 4, 1946, but before the expiration of three months following discharge. The unrepealed provisions of the Naval Reserve Act of 1938, as amended, shall continue to apply to the Marine Corps as well as the Navy.*

*The Act of March 17, 1941 (ch. 19, 55 Stat. 43, as amended; 34 U. S. C. 855c–2).*

*Section 10 of the Naval Aviation Cadet Act of 1942 (56 Stat. 738; 34 U. S. C. 850 (i)).*

*Section 1 of the Act of December 18, 1942 (56 Stat. 1066; 34 U. S. C. 853c–5).*

*The Act of January 20, 1942 (ch. 12, 56 Stat. 10; 34 U. S. C. 853a–1).*

*Title 14, United States Code, sections 751, 752, 753, and 759.*

*Sections 37, 37a, 38, 55a, 55b, and 111 of the National Defense Act, as amended.*

*The second paragraph of section 58 of the National Defense Act, as amended (32 U. S. C. 4a).*

*Paragraph (b) of section 71 of the National Defense Act, as amended (32 U. S. C. 4b).*

*The last paragraph of section 75 of the National Defense Act, as amended (32 U. S. C. 113).*

*The second sentence of section 77 of the National Defense Act, as amended (32 U. S. C. 114).*

*That portion of section 109 of the National Defense Act, as amended, which precedes the final proviso of the section (32 U. S. C. 143).*

*Section 11 of the Act of August 4, 1942 (56 Stat. 738, as amended; 34 U. S. C. 850j).*

*Sections 2, 3, and 4 of the Act of December 4, 1942 (56 Stat. 1039–1040; 10 U. S. C. 904b, c, and d).*

*Section 117 of the Army-Navy Nurses Act of 1947 (61 Stat. 47, as amended; 10 U. S. C. 377).*

*Sections 109 and 310 of the Women's Armed Services Integration Act of 1948 (62 Stats. 362 and 374; 10 U. S. C. 378, 5 U. S. C. 627i).*

*SEC. 804. (a) The third and fourth paragraphs under the subheading "Ordnance Stores and Equipment for Reserve Officers' Training Corps" of the Act of May 12, 1917 (40 Stat. 72), as amended (10 U. S. C. 371 and 371b), are further amended by striking out the words "Officers' Reserve Corps or Enlisted Reserve Corps" wherever they appear therein and by inserting in lieu thereof the words "reserve components of the Armed Forces" and by inserting in the third paragraph after the word "ordered" where it first appears the words "to active duty for training, or active duty, or".*

*(b) Section 412 of the Mutual Defense Assistance Act of 1949 (63 Stat. 721; 22 U. S. C. 1584) shall not apply to any person, not on active duty in the Armed Forces, solely by reason of his having served on active duty or active duty for training as a member of a reserve component within the preceding two years.*

*SEC. 805. The Army-Navy Nurses Act of 1947, as amended (10 U. S. C. 374–377), is further amended as follows:*

*(a) Section 115 is amended to read: "Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to commissioned officers and former commissioned officers of the Army Reserve and to their dependents and beneficiaries, shall, in like cases, be applicable*

*respectively to commissioned officers and former commissioned officers of the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Army Reserve and to their dependents and beneficiaries."*

*(b) Section 116 is amended to read: "Appointments of Reserve officers for service in the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Army Reserve may be made in such grades and under such regulations as may be prescribed by the Secretary of the Army from female citizens of the United States who have attained the age of twenty-one years and who possess such physical and other qualifications as may be prescribed by the Secretary of the Army: Provided, That female officers appointed pursuant to the Act of June 22, 1944, and honorably separated from the service thereafter may, if otherwise qualified, be appointed as Reserve officers in the highest grade satisfactorily held by them in active service."*

*SEC. 806. The National Defense Act, as amended, is further amended as follows:*

*(a) Section 69, as amended (32 U. S. C. 124), is further amended by striking out the words "and in the National Guard of the United States".*

*(b) Section 70, National Defense Act, as amended (32 U. S. C. 123), is further amended by striking out the language contained therein and inserting in lieu thereof the following:*

*"Men enlisting in the National Guard and Air National Guard of the several States, Territories, and the District of Columbia, shall sign an enlistment contract and subscribe to the following oath or affirmation:*

*" 'I do hereby acknowledge to have voluntarily enlisted this day of , 19 , in the National Guard (Air National Guard) of the State of for a period of year(s) under the conditions prescribed by law, unless sooner discharged by proper authority.*

*" 'I, , do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and to the State of ; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the Governor of and the orders of the officers appointed over me, according to law and regulations.'*

*"The oath of enlistment prescribed in this section may be taken before any officer of the National Guard (Air National Guard) or any other person authorized to administer oaths of enlistments in the National Guard of the several States, Territories, and the District of Columbia, by respective laws thereof."*

*(c) The first paragraph of section 73, as amended (32 U. S. C. 112), is further amended by striking the words "and in the National Guard of the United States" and the words "in the National Guard of the United States and".*

*(d) Section 72, as amended (32 U. S. C. 125), is further amended by striking out the words "and the National Guard of the United States".*

*(e) Section 76, as amended (32 U. S. C. 115), is further amended by striking out the words "the National Guard of the United States" in the second sentence thereof and inserting in lieu thereof the words "his appointment as a Reserve of the Armed Force concerned" and by striking out the words "in the National Guard of the United States" in the third sentence thereof and inserting in lieu thereof the words "as a Reserve of the Armed Force concerned".*

*(f) Section 78, as amended (32 U. S. C. 132, 133, 134), is further amended by striking out the words "and in the National Guard of the United States" in paragraph 1 thereof, and by striking out the words "or the National Guard of the United States" in paragraph 2 thereof.*

*(g) Section 81, as amended (32 U. S. C. 172 and 175), is further amended by striking out the words "The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had ten or more years' commissioned service in the active National Guard, at least five of which have been in the line, and who have attained at least the grade of colonel. The Chief of the National Guard Bureau shall hold office for four years unless sooner removed for cause, and shall be eligible to succeed himself, and when sixty-four years of age shall cease to hold such office. Upon accepting his office, the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay." and inserting in lieu thereof the following: "The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States or Air National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had ten or more years' commissioned service in the active National Guard or Air National Guard or any combination thereof, and who have attained at least the grade of colonel. The Chief of the National Guard Bureau shall hold office for four years unless sooner removed for cause, and shall be eligible to succeed himself and when sixty-four years of age shall cease to hold such office. Upon accepting his office, the Chief of the National Guard Bureau shall be appointed as a Reserve officer of the appropriate Armed Force in the grade of major general, and shall be commissioned in the Army of the United States, and shall be a member of the National Guard of the United States or Air National Guard of the United States, as appropriate." in paragraph 1 thereof, and by striking out the words "hold appointments in" and inserting in lieu thereof the following words: "are members of" in paragraph 2 thereof, and by inserting after the word "States" where it first appears in paragraph 3 thereof, the words "or the Air National Guard of the United States,", and by striking out the words "provided in this section" in the last sentence of said paragraph, and in the same sentence after the word "States" by inserting the words "or Air National Guard of the United States", and by striking the period at the end of the sentence and adding the words "or Air National Guard."*

*(h) The seventh paragraph of section 127 (a), as amended (10 U. S. C. 513), is further amended by deleting the period at the end thereof and substituting a colon and adding the following: "Provided further, That persons may be appointed as Reserve officers of the Army or the Air Force in time of war."*

*(i) Section 55, as amended (10 U. S. C. 421, 423, 424, 425), is further amended by deleting all of the section except the last sentence thereof; and the last sentence of section 55, as amended, is further amended by deleting*

*the comma first appearing therein and the words "whether" and "or the Enlisted Reserve Corps", and by inserting after the words "Regular Army" the words "or in the Regular Air Force".*

*(j) Section 58, as amended (32 U. S. C. 4), is further amended by striking the word "twenty-one" appearing in the first sentence thereof and inserting in lieu thereof the word "eighteen".*

*SEC. 807. (a) Subsection (b) of section 2 of the Army Organization Act of 1950 is amended by inserting after the words "in any of the components of the Army;" the words "all persons appointed or enlisted as Reserves of the Army, including persons transferred to such status under any provision of law;".*

*(b) Section 301 of the Army Organization Act of 1950 is amended—*

*(1) by striking out the words "Organized Reserve Corps" and inserting in lieu thereof the words "Army Reserve"; and*

*(2) by inserting after the words "above-named components;" the words "all persons appointed or enlisted as Reserves of the Army, including persons transferred to such status under any provision of law;".*

*SEC. 808. Section 205 of the Naval Reserve Act of 1938 (34 U. S. C. 854 (d)) is amended by deleting the second proviso therein and inserting in lieu thereof: "Provided further, That men so transferred to the Fleet Reserve for the four-year period and officers and men otherwise assigned thereto pursuant to title II of this Act, or other provision of law, may be ordered by competent authority to active duty without their consent (a) in time of war or national emergency declared by the Congress for the duration of the war or national emergency, and for six months thereafter, and (b) in time of national emergency declared by the President or when otherwise authorized by law; and, except as otherwise provided in this title, shall be under no obligation to perform training duty or drill, and shall be paid in advance $20 per annum: And provided further, That the Secretary of the Navy may release any member of the Fleet Reserve from active duty or active duty for training at any time, except that, in time of war or national emergency hereafter declared by the Congress, or in time of national emergency hereafter proclaimed by the President, a member of the Fleet Reserve who is serving on active duty shall be released from active duty only on the approved recommendation of a board of officers convened by competent authority if the member requests such action, if such release from active duty is not during a period of demobilization or reduction in strength of the Navy."*

*SEC. 809. All provisions of law which refer to appointment or enlistment in or transfer to any of the reserve components shall be deemed to refer to appointment or enlistment as a Reserve or transfer to such status in the appropriate Armed Force of the United States. All provisions of law which refer to persons enlisted or appointed in or transferred to any of the reserve components shall be deemed to refer to persons appointed or enlisted as Reserves or transferred to such status in the appropriate Armed Force of the United States.*

*SEC. 810. Any right accrued or any proceeding commenced before this Act takes effect is not affected by the provisions of this Act, but all procedure thereafter taken shall conform to the provisions of this Act.*

*SEC. 811. (a) Nothing in this Act shall be construed to repeal, limit, or modify, in any manner, the authority to order persons or units to active military service or training pursuant to the Universal Military Training and Service Act, as amended.*

*(b) Except as otherwise specifically provided in section 806 (g), nothing in this Act shall be construed as changing existing laws pertaining to the Chief of the National Guard Bureau.*

*SEC. 812. Except as otherwise provided in this Act, no back pay or allowances shall be held to have accrued under the provisions of this Act for any period prior to the effective date thereof.*

*SEC. 813. Section 4 (d) (3) of the Universal Military Training and Service Act, as amended, is further amended by striking out the words "appointed in the Armed Forces" where first appearing therein and by inserting in lieu thereof the words "appointed, under any provision of law, in the Armed Forces, including the reserve components thereof,". This section shall be effective as of June 19, 1951.*

And the Senate agree to the same.

OVERTON BROOKS,
O. C. FISHER,
L. GARY CLEMENTE,
JAMES E. VAN ZANDT,
*Managers on the Part of the House.*

LESTER C. HUNT,
RUSSELL B. LONG,
HARRY P. CAIN,
*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5426) relating to the reserve components of the Armed Forces of the United States submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

### LEGISLATION IN CONFERENCE

On October 15, 1951, the House of Representatives passed H. R. 5426, relating to the reserve components of the Armed Forces of the United States. On June 27, 1952, the Senate considered the House bill and amended it by striking all after the enacting clause and inserting different language as a Senate version.

As a result of the foregoing action on the part of the Senate, many differences between the Senate language and the House language resulted. Many of these differences were technical in nature, such as correction of typographical mistakes, clarification of language, and other similar type corrections. In addition, some rewriting was necessary, on the part of the Senate, because almost a year had elapsed between the time of passage of the bill by the two Houses. In the intervening period, universal military training had been presented to the House and had failed of passage. Consequently, some of the Senate provisions written after the failure of universal military training legislation to be enacted into law were necessary and proper. In those instances where the Senate language was more appropriate, the House receded. However, it should be noted that on the main provisions of this bill, the very backbone of the legislation, the House provisions prevail.

The House bill (sec. 234 (a)) provides that members of the reserve components in an inactive or retired status shall not be involuntarily ordered to active duty unless the appropriate Secretary determines that no qualified reservists in an active status in the required category are available. On the other hand, the Senate amendment provides that no reservists on an inactive status list or in a retired status shall be ordered to active duty without their consent unless the appropriate Secretary, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members of the reserve components in an active status or in the Inactive National Guard in the required category are not available.

The purpose of the Senate change was to make this provision a little more flexible, to require the Secretary of Defense to supervise its administration, and to assure that the availability of the Inactive National Guard is not harmed thereby. The House recedes.

Section 255 of the House bill provides that boards for the promotion, demotion, and discharge, etc., of reservists shall include appropriate

numbers of reservists and that the members of such boards shall be senior to the persons being considered thereby. This provision was modified in the Senate amendment so as to provide more flexibility by allowing the Reserve representation on such boards to be established by regulation, and to authorize medical and legal members of such boards to be junior to the person being considered, except where the person being considered is in the same category. The House recedes with an amendment.

The House bill (sec. 256 (d)) contains a statement that the National Defense Facilities Act of 1950 should be immediately implemented. That act authorizes the construction of armories and other Reserve facilities. The Senate bill contains no similar provision. This provision was originally written into the House bill because of the language in Conference Report No. 3026 which accompanied H. R. 8594 in the Eighty-first Congress, which, in turn, became the National Defense Facilities Act of 1950. The language in the report is as follows:

> In agreeing to the compromise position as adopted by the conferees, it is the intent of the conferees that none of the funds authorized will be made available through appropriations until such consideration is justified by a lessening of the international tension, and particularly the Korean situation.

The House, in adopting its version, was of the opinion that the National Defense Facilities Act should be implemented because many of the draftees who were inducted shortly after the beginning of Korean hostilities will be coming out of the active service with an obligation to serve in a reserve component. It is axiomatic that facilities must be provided for the reserve components if adequate training is to be offered. Since the conference report, which accompanied the bill which was to become the National Defense Facilities Act of 1950, contained the restricting provisions that none of the funds authorized would be made available through appropriations, it was felt that the sense of the Congress should be expressed to the effect that funds should be made available under the authorization of that act, if justified, for the construction of Reserve facilities. The provision was rewritten for the purposes of clarity. The Senate recedes with an amendment.

The House bill (sec. 260) requires the Secretary of Defense to submit to the Congress legislative recommendations for the promotion of Reserve officers and to equalize benefits of reservists and regulars. The Senate amendment deleted this provision, since the Department of Defense has complied and already submitted its legislative recommendations. They are H. R. 7856 and 7002, now pending in the House. Inasmuch as this provision of the bill is no longer necessary, the House conferees agreed to delete the provision. The House recedes.

The bill, as passed by the House (sec. 211), established the inactive status list which would consist of those members of the reserve components who are unable to participate in training and, in addition, the House bill (sec. 227) provides for persons with physical disabilities, which could be remedied within 1 year, to be placed on the inactive status list. The Senate amendment provides that no person who has an obligated period of service shall be placed on an inactive status list. Although the regulations of the Secretary of Defense, which the House bill provided for, should adequately take care of this

matter, it was agreed that the Senate language was safer and that personnel with obligated periods of service would, by law, be prevented from transferring to the inactive status list and thus decrease their vulnerability for call to active duty. Furthermore, it was thought, by virtue of their own default, some persons might decrease their liability for active duty by a transfer to the inactive status list and, consequently, the House conferees agreed that the Senate language should prevail. In addition, to make the bill consistent, the conferees agreed that the authorization for a transfer for persons with temporary or remedial physical disabilities to the inactive status list should be deleted. The House recedes.

The House bill (sec. 217 (b)) provided that the relative precedence of Reserve officers and Regular officers shall be determined in accordance with date of rank. This provision was deleted from the Senate amendment apparently because it was believed to be more appropriate for inclusion in the Reserve promotion bill. It is true that the matter of precedence is covered in the Reserve promotion bill which has been submitted to Congress, but inasmuch as that legislation has not been acted upon, it was thought that this provision should stay in pending a thorough study of the matter when hearings on Reserve promotion legislation are held. The Senate recedes.

The House bill makes no specific reference to the Inactive National Guard. The Senate amendment retains the Inactive National Guard in its present status, that is, as a special category within the National Guard where those members of the National Guard who are unable to participate in training may be placed for limited periods. The National Guard favors this provision and the conferees agreed that it should be included. The House recedes.

The House bill contains a provision (sec. 215) which would provide that the organization, operation, administration, training, maintenance, and supply of each reserve component shall be integrated with those of the regular components. The Senate amendment did not contain such an amendment since it was objected to by the National Guard on the grounds that it might tend to federalize the guard. The conferees felt that the section was merely a statement of policy and denotes something that is already being done administratively, so that the inclusion of the controversial problem was not necessary. The House recedes.

Section 217 (c) of the House bill provides that wherever and whenever Regular officers have been given constructive credit for previous professional training, Reserve officers shall receive the same credit. The Senate amendment contained no provision. The Senate conferees pointed out that any such legislation should be properly taken up in a promotion bill and inasmuch as the Reserve Officers Personnel Act was pending, the matter should be considered in conjunction with that legislation. Furthermore, the provision of the House bill is very broad and would provide constructive credit for all present and future Reserve officers while the Regular officers, who receive credit in the Navy which was not extended to Reserve officers, were a limited group holding particular assignments at a particular time. The conferees were of the opinion that although the provision in the House bill would benefit a few, it might well discriminate against many. Consequently, it was thought that this provision should be deleted from the bill and

made the subject of a special study when hearings on the Reserve Officers Personnel Act are held at some later date. The House recedes.

The House bill repealed the dual oaths now required for members of the National Guard and Air National Guard, because such is a matter for State legislation to provide for State oaths. However, in the hearings before the Senate committee, the National Guard asked that the State oaths for the members of the National Guard and Air National Guard be made a part of this legislation. While it would appear that the State oath is a matter of State legislation, in order to avoid placing a special burden on the States, the Senate amendment continued, with minor amendments, the present oaths for members of the National Guard and Air National Guard. The House recedes.

The House bill (sec. 225) provides that hereafter all appointments as Reserve officers shall be for an indefinite term and further provides that present Reserve officers who do not now have indefinite appointments will have their present appointments automatically changed to indefinite appointments, unless, within 6 months after notification by the armed service concerned, which shall be given within 6 months from the effective date of the act, they decline to have their current appointments changed. This provision would affect only members of the Officers Reserve Corps of the Army, Air Force Reserve, and the Coast Guard Reserve, since appointments in those components are the only appointments which are not for an indefinite term, as now established by statute. The Senate amendment provides that present Reserve officers will not have the terms of their current appointments changed unless the officer concerned accepts an indefinite appointment. By the terms of the Senate amendment, an officer would be required to accept an indefinite appointment within 6 months after notice by competent authority which is required to be given within 6 months from the effective date of the act. The language difference of the two sections may seem inconsequential, but considerable controversy among the conferees was aroused by this portion of the bill. Plainly speaking, the two provisions mean that, as to the House version, an officer will be blanketed into an indefinite Reserve appointment unless he makes some affirmative action to discontinue his Reserve commission and insofar as the Senate amendment is concerned, the officer will not be given an indefinite appointment unless he makes some affirmative action indicating his desire for same.

The House conferees could not help but feel the responsibility they undertook when originally conducting hearings on the Armed Forces Reserve Act and that was to assist the reservist in every way possible and to remove every stumbling block to his future well-being as a member of a reserve component. Since the House version would place a greater burden upon the Reserve officer, and indeed might blanket him into the Reserve indefinitely, through error or procrastination on his part, the House conferees agreed with the Senate amendment. The House recedes with an amendment.

Section 257 of the House bill requires a general officer of each armed service to be appointed to be responsible for all Reserve affairs of that armed service to the chief of staff or commandant, as appropriate. The Senate amendment provided that this provision should not impinge in any way upon the duties of the Chief of the National Guard

Bureau in order to meet the National Guard objection that this provision might be construed by the military departments to reduce the status of the Chief of the National Guard Bureau. This problem was covered in the House report and the Senate amendment merely writes into the bill what was stated to have been the House position. The House recedes.

The House bill (sec. 228) provides that all enlistments and all required periods of obligated service in the reserve components in effect at the beginning of, or entered into, during time of war, national emergency declared by the Congress, or national emergency proclaimed by the President, shall continue for the duration of the war or national emergency and for 6 months thereafter. The Senate amendment did not provide for the extension of enlistments or periods of obligated service during a period of Presidential emergency. It is true that the authority granted by the House bill would allow the Department of Defense to hold in service those persons who had been adequately trained during a threat of hostilities. On the other hand, the Senate conferees pointed out that this authority should not be granted during limited Presidential emergencies, but that Congress should determine whether enlistments should be extended. Inasmuch as the House conferees were strongly in favor of retaining a maximum of control in the legislative branch, they agreed to the Senate amendment. The House recedes.

The Senate amendment included provisions that the Secretaries of the military departments shall establish adequate provisions with respect to female Reserve officers to insure that such personnel shall not be declared ineligible for appointment or enlistment in the Reserve solely on the basis of having minor or dependent children and that such personnel shall not be discharged involuntarily solely because of the birth or assumption of care or custody of children.

The Senate provisions, in this respect, result from a floor amendment and were never considered by the conferees during hearings on the bill in the House committee. The conferees agreed that additional study should be given to this matter and since it was controversial, hasty action should not be taken. The Senate recedes.

The Senate amendment includes a provision which would credit all service performed as a cadet at the United States Military Academy pursuant to an appointment made prior to August 24, 1912, and all service performed as a midshipman in the United States Navy pursuant to an appointment made prior to March 4, 1913, in determining the amount of retirement pay, including longevity pay, to which officers in the reserve components of the Armed Forces may be entitled under any provision of law. This provision of the Senate amendment was also offered on the Senate floor and, consequently, did not have study by either committee which held hearings on the Armed Forces Reserve Act. This provision of the Senate amendment would give creditable service to academy graduates, appointed prior to certain dates, for retirement purposes under Public Law 810, Eighty-second. Congress. The conferees do not believe that retirement provisions of the Reserve Retirement Act should be opened in this act inasmuch as they can be made the subject of future legislation. The Senate recedes.

The House bill contains provisions (secs. 204–210) which would establish within each armed service two categories of reservists based upon availability for active duty. These categories are known as the Ready Reserve and the Standby Reserve. The Ready Reserve would be available for active duty in time of war or national emergency declared by the Congress, in time of national emergency declared by the President, and when otherwise authorized by law. The Standby Reserve would be available for active duty only in time of war or national emergency declared by the Congress or when otherwise authorized by law, or to phrase that liability in another way, only in time of full mobilization or when more than the Ready Reserve would be needed. The House was careful to include a limitation so that before any member of the Ready Reserve could be called to active duty in time of national emergency declared by the President, the Congress would have the right to authorize the numbers of persons which would be subject to such call.

The Senate amendment contains no provisions relating to the Ready and Standby Reserves. The effect of the Senate amendment is to leave the reserve components in the same condition as before the beginning of the Korean hostilities. The House, by passing H. R. 5426, had indicated that it wanted no more of the old Reserve concept but rather the establishment of specific categories so that each reservist would know his liability for future duty.

There is no doubt that the concept of the Ready and Standby Reserves is the crux of the entire Armed Forces Reserve Act. It was decided to accept the House version of the bill with minor changes, that is, the term of service which would allow a person to transfer to the Standby Reserve would be changed from 6 years to 5 years and a combination of active duty service and Reserve service totaling 5 years would be sufficient to allow a reservist to transfer to the Standby Reserve and thus complete his period of obligated service under Public Law 51, Eighty-second Congress. The Senate recedes with an amendment.

After the recession of the Senate conferees on the concept of a Ready and Standby Reserve, some provisions of the legislation followed naturally. The House bill provided that one of the differences between the two categories was the degree of vulnerability for future recall to active duty. It was established that the Ready Reserve should be called first. Therefore, the House bill contained a provision which would allow the President to call members of the Ready Reserve, but only in such numbers as might be authorized by Congress. Therefore, Congress retains its traditional control, but the provisions of the House bill provided a different method for calling the Standby Reserve by specifying that that category could only be activated after a national emergency declared by Congress. The Senate amendment had no such provisions. It provided that all reservists should only be called to active duty after a declaration of emergency by the Congress, thus making no distinction between any of the individual members of the reserve components regardless of their period of prior service. Inasmuch as the Senate conferees had agreed to the House version of a Ready and Standby Reserve concept, the theory of calling the Ready Reserve, as contained in the House bill, was agreed to by the Senate conferees. The Senate recedes with an amendment.

Both conferees of the House and Senate were disturbed about the involuntary recall of both Standby and Ready Reservists and, therefore, wrote two provisions into the bill. The first deals with the involuntary recall of ready reservists and has for its intent the protection of all persons in this category and particularly those ready reservists who have served in Korea. The provision establishes a policy of Congress because of the hardship situations developed by the Korean hostilities so that attention shall be given to the duration and nature of previous service, to family responsibilities and to employment found to be necessary to the maintenance of the national health, safety, or interest. Furthermore, the Secretary of Defense must promulgate policies and procedures as may be required to carry out the congressional intent and, from time to time, and at least annually, report to the appropriate Committees on Armed Services of the Congress respecting same.

The Senate amendment contained a provision which would protect those who had served in the combat zone in Korea from further recall. However, the provision was so written that obvious discriminations would exist. For instance, a veteran of World War II with 5 years' combat service who was again recalled following the outbreak of hostilities in Korea, but was not assigned to the Korean combat zone, would find himself eligible for recall a third time, before a person who had been drafted and had served some time on the combat zone in Korea. The conferees could not allow such discriminations to exist and, therefore, did not feel that any demarcation line should be drawn between veterans of World War II and Korean veterans. The Senate recedes with an amendment.

The conferees were equally disturbed about the recall of members of the Standby Reserve under the provisions of both the House bill and the Senate amendment. Consequently, it was agreed that except in time of war, or unless otherwise authorized by Congress—(1) no unit of the Standby Reserve organized for the purpose of serving as such, nor the members thereof, shall be ordered to active duty unless the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a military department) determines that adequate numbers of the required types of units of the Ready Reserve are not readily available, and (2) no other member of the Standby Reserve shall be ordered to active duty as an individual without his consent, unless the appropriate Secretary (with the approval of the Secretary of Defense in the case of a Secretary of a military department) determines that adequate numbers of qualified members of the Ready Reserve in the required category are not readily available.

The foregoing provisions will insure members of the Standby Reserve from recall to active duty before their counterparts in the Ready Reserve have been exhausted, even though a national emergency by the Congress has been declared.

Finally, the conferees decided that some finite limitation should be placed on the Ready Reserve. The problem was to place a ceiling which would not be too high so that appropriated funds for the training of the Ready Reserve would be spread so thin as to lose effect, nor to make the number so small as to make the striking force of the Ready Reserve ineffective. Consequently, the conferees set a ceiling on the

Ready Reserve at 1,500,000 authorized personnel strength. It must be remembered that this includes the entire National Guard and Air National Guard and also will include all persons serving on active duty. Furthermore, the authorized strength set herein is a ceiling and can be lowered by administrative discretion.

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*Managers on the Part of the House.*

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